No. 18-481	
Title:	**Food Marketing Institute, Petitioner** **v.** **Argus Leader Media, dba Argus Leader**
Docketed:	October 15, 2018
Linked with 18A146	
Lower Ct:	United States Court of Appeals for the Eighth Circuit
Case Numbers:	(17-1346)
Decision Date:	May 8, 2018
Rehearing Denied:	July 13, 2018
Questions Presented	

DATE	PROCEEDINGS AND ORDERS
Aug 07 2018	Application (18A146) to recall and stay mandate pending the filing and disposition of a petition for a writ of certiorari, submitted to Justice Gorsuch. **Main Document** **Lower Court Orders/Opinions** **Proof of Service**
Aug 09 2018	UPON CONSIDERATION of the application of counsel for the applicant, IT IS ORDERED that the mandate of the United States Court of Appeals for the Eighth Circuit, case No. 17-1346, is hereby recalled and stayed pending further order of the undersigned or of the Court. It is further ordered that a response to the application be filed on or before Thursday, August 16, 2018, by 4 p.m. The reply, if any, is to be filed by 4 p.m., Tuesday, August 21, 2018.
Aug 16 2018	Response to application from respondent Argus Leader Media, D/B/A Argus Leader filed. **Main Document** **Proof of Service**
Aug 21 2018	Reply of applicant Food Marketing Institute filed. **Reply** **Proof of Service**
Aug 29 2018	Application (18A146) referred to the Court.

Aug 29 2018	Application (18A146) granted by the Court. The application to recall and stay the mandate, presented to Justice Gorsuch and by him referred to the Court, is granted, and the mandate of the United States Court of Appeals for the Eighth Circuit in case No. 17-1346 is recalled and stayed pending the timely filing and disposition of a petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. Justice Ginsburg, Justice Sotomayor, and Justice Kagan would deny the application.
Oct 11 2018	Petition for a writ of certiorari filed. (Response due November 14, 2018) **Petition** **Appendix** **Certificate of Word Count** **Proof of Service**
Oct 25 2018	Motion to extend the time to file a response from November 14, 2018 to December 14, 2018, submitted to The Clerk. **Main Document**
Oct 29 2018	Motion to extend the time to file a response is granted and the time is extended to and including December 14, 2018.
Nov 14 2018	Brief amicus curiae of Retail Litigation Center, Inc. filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Nov 14 2018	Brief amici curiae of Alliance of Marine Mammal Parks & Aquariums, et al. filed. **Main Document** **Proof of Service** **Certificate of Word Count**
Nov 14 2018	Brief amicus curiae of Chamber of Commerce of the United States of America filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Nov 14 2018	Brief amici curiae of National Association of Convenience Stores, et al. filed. **Main Document** **Proof of Service** **Certificate of Word Count**
Nov 20 2018	Consent to change of Respondent's counsel of record of Argus Leader Media, d/b/a Argus Leader not accepted for filing. (November 27, 2018 – Document not of the type that is to be filed electronically)
Dec 14 2018	Brief of respondent Argus Leader Media, d/b/a Argus Leader in opposition filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Dec 24 2018	Reply of petitioner Food Marketing Institute filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Dec 26 2018	DISTRIBUTED for Conference of 1/11/2019.
Jan 11 2019	Petition GRANTED.

Jan 30 2019	Blanket Consent filed by Respondent, Argus Leader Media, d/b/a Argus Leader. **Blanket Consent** **Proof of Service**
Jan 31 2019	Blanket Consent filed by Petitioner, Food Marketing Institute. **Blanket Consent** **Proof of Service**
Feb 11 2019	SET FOR ARGUMENT on Monday, April 22, 2019
Feb 15 2019	Brief of petitioner Food Marketing Institute filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Feb 15 2019	Joint appendix filed (2 vols). **Main Document** **Other** **Proof of Service**
Feb 21 2019	Brief amici curiae of National Association of Convenience Stores, et al. filed. **Main Document** **Proof of Service** **Certificate of Word Count**
Feb 22 2019	Brief amicus curiae of United States filed. **Main Document** **Proof of Service**
Feb 22 2019	Brief amicus curiae of Retail Litigation Center, Inc. filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Feb 22 2019	Brief amici curiae of Chamber of Commerce of the United States of America, et al. filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Feb 22 2019	Brief amici curiae of Alliance of Marine Mammal Parks & Aquariums, et al. filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 18 2019	Brief of respondent Argus Leader Media, d/b/a Argus Leader filed. (Distributed) **Main Document** **Other** **Certificate of Word Count** **Proof of Service**
Mar 20 2019	CIRCULATED
Mar 21 2019	Record requested from the U.S.C.A. 8th Circuit.
Mar 22 2019	Brief amici curiae of Cause of Action Institute, et al. filed. (Distributed) **Main Document** **Proof of Service** **Certificate of Word Count**
Mar 25 2019	Brief amicus curiae of New Hampshire Right to Life filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**

Mar 25 2019	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed. **Main Document** **Proof of Service**
Mar 25 2019	Brief amici curiae of Electronic Privacy Information Center, et al. filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Brief amici curiae of Public Citizen, Center for Science in the Public Interest, Collaboration for Research Integrity filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Brief amici curiae of Freedom of Information Act and First Amendment Scholars filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Brief amici curiae of Reporters Committee for Freedom of the Press & 36 Media Organizations filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Brief amici curiae of Detention Watch Network, Human Rights Defense Center and Prison Policy Initiative filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Affidavit of Service of BioScience Advisors, Inc. not accepted for filing. (Corrected version submitted).
Mar 25 2019	Corrected Affidavit of Service filed with respect to amicus curiae brief of BioScience Advisors, Inc. (March29, 2019). **Main Document**
Mar 25 2019	Brief amicus curiae of BioScience Advisors, Inc. filed. (Distributed) **Main Document** **Certificate of Word Count**
Mar 25 2019	Brief amici curiae of AI Now Institute at New York University, et al. filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 25 2019	Brief amicus curiae of American Small Business League filed. (To be Reprinted) (Distributed)
Mar 25 2019	Brief amicus curiae of American Small Business League filed. (April 16, 2019) (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Mar 27 2019	Record received from the U.S.D.C. Dist. of South Dakota Southern Division. (1 Box).
Apr 01 2019	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.

Apr 05 2019	Reply of petitioner Food Marketing Institute filed. (Distributed) **Main Document** **Certificate of Word Count** **Proof of Service**
Apr 22 2019	Argued. For petitioner: Evan A. Young, Austin, Tex.; and Anthony A. Yang, Assistant to the Solicitor General, Department of Justice, Washington, D. C. (for United States, as amicus curiae). For respondent: Robert M. Loeb, Washington, D. C.
Jun 24 2019	Judgment REVERSED and case REMANDED. Gorsuch, J., delivered the **opinion** of the Court, in which Roberts, C. J., and Thomas, Alito, Kagan, and Kavanaugh, JJ., joined. Breyer, J., filed an opinion concurring in part and dissenting in part, in which Ginsburg and Sotomayor, JJ., joined.

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Party name: Retail Litigation Center, Inc.

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Party name: Reporters Committee for Freedom of the Press & 36 Media Organizations

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Party name: BioScience Advisors, Inc.

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Party name: Freedom of Information Act and First Amendment Scholars

Lucinda Margaret Finley Counsel of Record	University at Buffalo Law School 513 O'Brian Hall Buffalo, NY 14260 finleylu@buffalo.edu	7168034202

Party name: AI Now Institute at New York University, et al.

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Party name: Cause of Action Institute, et al.

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Party name: American Small Business League

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Party name: Electronic Privacy Information Center

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Party name: Detention Watch Network, Human Rights Defense and Prison Policy Initiative

Michael J. Tierney Counsel of Record	Wadleigh, Starr & Peters, PLLC 95 Market Street Manchester, NH 03101 mtierney@wadleighlaw.com	603-669-4140

Party name: New Hampshire Right to Life

Allison M. Zieve Counsel of Record	Public Citizen Litigation Group 1600 20th Street, NW Washington, DC 20009 azieve@citizen.org	202-588-1000

Party name: Public Citizen, et al.